

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5595 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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PARMAR DEVBALABEN R. & OTHERS

Versus

STATE OF GUJARAT & OTHERS

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Appearance:

MR SV RAJU for Petitioners  
MR HL JANI for Respondent No. 1  
MR SI NANAVATI for Respondent No. 2  
None present for other Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/10/96

ORAL JUDGEMENT

1. The petitioners are all Assistant Teachers serving in the respondent no.3 school which is a Government recognised private primary school run and administered by the respondent no.4 Trust. The respondent no.5 is a Trust which runs and administers the

Panchsheel School at Moti Vasan Sheri, Saraspur, Ahmedabad.

2. In this writ petition, the petitioners have challenged the order dated 1-7-1987 of the respondent no.2 granting the permission to Nalanda Primary School for shifting classes 5 to 7 to Panchsheel High School and to shift the school premises from Nalanda Primary School to Panchsheel High School premises.

3. The learned counsel for the petitioners is unable to point out how any prejudice will be caused to the petitioners or any of the petitioner under the order dated 1-7-1987 as well as by shifting of the school premises. The counsel for the petitioners has admitted that the premises has been shifted at a distance of 1 km. from the place of the existing premises. The shifting of the premises will not cause any prejudice whatsoever to the petitioners nor it is a service condition of the petitioners to insist that the school should be run in a particular premises. It is always open to the authority to pass appropriate order taking into consideration the difficulties of the institution to permit shifting of the premises of the institution. What the learned counsel for the petitioners' contended is that the classes have been shifted and premises has also been shifted of the school only because the petitioners except the petitioner no.4 had filed application no.100 of 1987 before the Gujarat Primary Education Tribunal in which the prayer has been made that their services should not be terminated.

4. I fail to see any justification in this contention of the counsel for the petitioners. The counsel for the petitioners has admitted that so far, the services of the petitioners have not been terminated nor any of the other service conditions have been affected by the transfer of the premises as well as by the transfer of the classes. In view of these facts, this writ petition is wholly misconceived. None of the service conditions of the petitioners are affected by the impugned order and this writ petition is wholly misconceived. The petitioners have also failed to point out how any of their legal or fundamental right has been infringed by this order. This Special Civil Application appears to have been filed for undisclosed ulterior motives.

5. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. The petitioners are directed to pay Rs.100/- each by way of

costs of this Special Civil Application to respondents  
no.4 and 5.

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zgs/-